PATENT

--EXPEDITED PROCESSING
AMENDMENT UNDER 37 C.F.R. 1.116--

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	Barry Richard Cavill et al	:	Paper No.:	
Serial No.:	09/610,404	:	Group Art Unit:	2624
Filed:	July 5, 2000	:	Examiner:	King Y. Poon
For:	**Apparatus and Methods for Data Management Within a Photoprinter**			

REQUEST FOR RECONSIDERATION UNDER C.F.R. 1.116

BOX Non-Fee Amendment
Assistant Commissioner for Patents
Washington, D.C. 20231

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JUL 1 1 2002

Technology Center 2600

Dear Sir:

The Official Action dated April 26, 2002 has been carefully considered. Accordingly, the following remarks are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

In the Official Action, claims 1, 3-5 and 7-20 were rejected under 35 U.S.C. §102(e) as being anticipated by Itoh (U.S. Patent No. 6,034,785). The Examiner asserted that Itoh teaches a method of processing a digital photographic image on a photoprinter comprising: receiving a digital photographic image in a first format on a printer; performing one or more first operations on the digital photographic image in the first format converting the digital photographic image to a second format and performing one or more second operations on the digital photographic image in a second format.

1

However, as will be set forth in detail below, Applicants submit that the apparatus and methods for data management within a photoprinter defined by claims 1, 3-5 and 7-20 are not anticipated by Itoh. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

As defined by claim 1, the present invention comprises a method of processing a digital photographic image on a photoprinter, comprising the step of receiving a digital photographic image in a first format on a printer; performing one or more first operations on the digital photographic image in the first format; converting the digital photographic image to a second format; and performing one or more second operations on the digital photographic image in the second format. Anticipation under 35 U.S.C. §102(e) requires the disclosure in a single prior art reference of each element of the claims under consideration, *Alco Standard Corp. v. TVA*, 1 U.S.P.Q.2d 1337, 1341 (Fed. Cir. 1986).

Applicants find no teaching or suggestion by Itoh of the step of performing one or more second operations on the digital photographic image in the second format. Itoh discloses at column 7, lines 40-45, converting the image signal read by the scanner into a digital image signal (receiving a digital photographic image in a first format on a photoprinter). Applicants find no teaching or suggestion of image processing taking place after the digital image signal is further converted to a second format, whereby Itoh fails to teach or suggest the limitations of claims 1, 3-5 and 7-20. Itoh subjects the digital image signal to image processing at a first format. After image processing, the digital image signal is converted to a second format. Itoh fails to teach or suggest any further image processing to the digital photographic image in the second format.

In addition, the claims require a photoprinter. As defined by the present specification, a photoprinter is a stand-alone appliance for printing digital photographs onto a printable

medium (see p. 5, lines 22 and 23 of the present specification). The term "stand-alone" is defined as a printer capable of processing and printing digital files independent of an external host device, wherein processing means calculating a pixel pattern to be printed on the printable medium that represents the corresponding digital file (see p. 5, lines 26 and 27 and p. 6, lines 1 and 2 of the present specification). The Examiner asserts that Itoh at column 6, lines 10-20 teaches a single digital print system. Applicants do not dispute that Itoh teaches a print system, but Applicants submit the system is comprised of several external devices such as a scanner 12, a controller 14, a printer 16, a display device 18 etc. As shown in Fig. 2 of Itoh these devices are separate devices. There is no teaching or suggestion by Itoh, that the digital print system is in fact one device. A "system" as defined by Merriam-Webster's Collegiate Dictionary is "a group of devices or artificial objects or an organization forming a network for distributing something or serving a common purpose." As such, Itoh fails to teach or support a photoprinter as defined by the present invention, whereby Itoh does not anticipate the present invention.

It is therefore submitted that the presently claimed methods and photoprinter configurations are not anticipated by Itoh, whereby the rejection under 35 U.S.C. §102(e) has been overcome. Reconsideration is respectfully requested.

In the Official Action, claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Itoh in further view of Chang et al. (U.S. Patent No. 4,965,748). The Examiner noted that Itoh did not teach the use of a print band buffer to store image data at second format. The Examiner asserted that Chang et al. in the same area of storing image data to be printed by a printer teaches to store image data using a print band buffer. The Examiner asserted that it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to have modified Itoh by using a print band buffer to store the image data at the second format.

However, as will be set forth in detail below, it is submitted that the method of processing a digital photographic image on a photoprinter of claim 2 is non-obvious over and patentably distinguishable from the teachings of Itoh in further view of Chang et al. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

As defined by claim 2, the present invention is directed towards the method of processing a digital photographic image on a photoprinter of claim 1, further comprising storing the digital photographic image while in the first format in an image-storage buffer and storing the digital photographic image while at the second format in a print-band buffer.

The deficiencies noted above of Itoh are not overcome by Chang et al. Particularly, Itoh and Chang et al. alone or in combination fail to teach or suggest a method of processing a digital photographic image on a photoprinter comprising, *inter alia*, performing one or more second operations on the digital photographic image in the second format. In addition, Itoh and Chang et al., alone or in combination fail to teach a photoprinter, i.e., a stand-alone appliance capable of processing and printing digital files independent of an external host device as required by independent claim 1.

To establish prima facie obviousness of the claimed invention, all of the claim limitations must be taught or suggested by the prior art, *In re Royka*, 490 F.2d 981; 180 U.S.P.Q. 580 (CCPA 1974). In view of the failure of Itoh and Chang et al., alone or in combination to teach, disclose or suggest a method of processing a digital photographic image on a photoprinter comprising, *inter alia*, the step of performing one or more second operations on the digital photographic image in the second format, the combination of Itoh and Chang et al. does not support a rejection under 35 U.S.C. §103.

4

It is therefore submitted that the presently claimed method of processing a digital photographic image on a photoprinter is non-obvious over and patentably distinguishable from Itoh in view of Chang et al., whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

In the Official Action, claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Itoh in further view of Levine (U.S. Patent No. 4,751,583). The Examiner noted that Itoh does not teach the first resolution format is a camera resolution format. The Examiner asserted that Levine in the same area of printing photographic images teaches to input images from a camera with a camera resolution format to be processed by a processor for printing. The Examiner asserted that it would have been obvious to one with ordinary skill in the art at the time the invention was made to have modified Itoh by replacing the scanner with a camera such that the resolution format is a camera resolution format.

However, as will be set forth in detail below, it is submitted that the method of processing a digital photographic image on a photoprinter of claim 6 is non-obvious over and patentably distinguishable from teachings of Itoh in further view of Levine. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

As defined by claim 6, the present invention is directed toward the method of processing a digital photographic image on a photoprinter of claim 1, wherein the first format is a camera resolution format.

The deficiencies of Itoh as discussed above with respect to independent claim 1, are not resolved by Levine. That is, despite Levine's teaching an image from a camera to be processed by an image processor, Applicants find no teaching or suggestion by Levine of a method of processing a digital photographic image on a photoprinter comprising, *inter alia*, the step of performing one or more second operations on the digital photographic image in
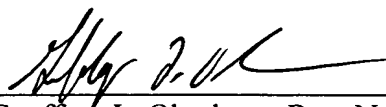
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the second format. To the contrary, Levine teaches the camera, previewer and processor that are provided are separate modular components that are detachably interconnected together. As indicated on fig. 1 of Levine, a separate modular image process image previewer is required to process the digital photographic image from the camera 10. (See column 2, lines 40-62 of Levine). Moreover, Levine teaches the graphical processing functions "are performed by reading out selected ones of the still images that are electronically recorded in the internal memory of camera 10, and/or supplemental memory 24 and entering the selected images into the memory of the processor/previewer 12 for both display and processing. After processing, the processed image . . . can be later read out to a copier printer 22. . . ." (See column 3, lines 40-54).

To establish prima facie obviousness of the claimed invention, all the claim limitations must be taught or suggested by the prior art, *In re Royka, supra*. In view of the failure of Itoh and Levine, alone or in combination, to teach, disclose or suggest a method of processing a digital photographic image on a photoprinter comprising, *inter alia*, a stand-alone photoprinter and the step of performing one or more second operations on the digital photographic image in the second format on the photoprinter, the combination of Itoh and Levine does not support a rejection under 35 U.S.C. §103.

It is therefore submitted that the presently claimed method of processing a digital photographic image on a photoprinter is non-obvious over and patentably distinguishable from Itoh in view of Levine, whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.
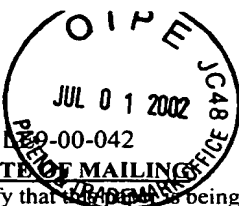
It is believed that the above represents a complete response to the Examiner's rejections under 35 U.S.C. §§102 and 103 and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,

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BOX A

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Technology Center 2600

Dear Sir:

Transmitted herewith is a Request for Reconsideration in the above-identified application.

[ ] additional fee is required.
[X] also attached: Postcard

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUS PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	20	20	0	x $18 =	$00.00
Independent Claims	3	3	0	x $84 =	$00.00
		TOTAL FEE DUE			$00.00

[ ] A check in the amount of $00.00 is enclosed.

[ ] Please charge my Deposit Account No. 04-1133 in the amount of $.

[x] The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment, to Deposit Account No. 04-1133, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

By: _____
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Date: *June 24, 2002*

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